

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kandimalla et al.

Application No.: 10/694,207 Group: 1648

Filed: October 27, 2003 Examiner: Blanchard, David J.

Confirmation No.: 3842

For: MODULATION OF IMMUNOSTIMULATORY ACTIVITY OF
IMMUNOSTIMULATORY ANALOGS BY POSITIONAL CHEMICAL
CHANGES

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. § 154(B)(3)(B)(ii)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of Patent Term Adjustment (“PTA”) for the patent issuing from the above-identified patent application. On February 22, 2010, the Patent and Trademark Office (“PTO”) mailed a notice of Determination of Patent Term Adjustment under 35 U.S.C. § 154(b). The PTO determined the PTA to be 454 days, based on the patent issuing on the Tuesday that is 28 weeks after the mailing date of the notice. The correct PTA is 1,099 days. The calculation of PTA is as follows.

The PTO delay under 35 U.S.C. § 154(b)(1)(A) is from December 27, 2004 to August 24, 2006 and from February 7, 2010 to February 22, 2010 = 605 days.

The PTO delay under 35 U.S.C. § 154(b)(1)(B) is from October 27, 2006 to July 29, 2008 = 641 days.

Applicants delay under 35 U.S.C. § 154(b)(1)(C) is from November 6, 2007 to December 20, 2007, from June 28, 2008 to July 29, 2008, and from January 20, 2009 to April 17, 2009 = 162 days.

There was no overlap between the PTO delay under 35 U.S.C. § 154(b)(1)(A) and 35 U.S.C. § 154(b)(1)(B).

Thus, the total PTO delay is 620 days plus 641 days = 1,261 days. The total period of Applicants' delay is 162. Subtracting 162 days from 1,261 days results in a correct PTA of 1,099 days.

Therefore, Applicants request the Director to correct the PTA from 454 days to 1,099 days.

The patent is not subject to a terminal disclaimer. The fee under 37 C.F.R. § 1.18(e) is being charged to our deposit account number 50-2005.

Respectfully submitted,

Dated: May 13, 2010

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